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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,549	09/22/2003	John H. Sohl III	36507-191465	5551
26694	7590	02/10/2005	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP			LAU, TUNG S	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	
			2863	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/666,549

Applicant(s)

SOHL ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### AMENDMENTS TO THE SPECIFICATION

1. The AMENDMENTS TO THE SPECIFICATION filed on 1-13-2005 has been accepted by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5, 6, 8, 7, 10, 11, 12, 13, 18, 20 are rejected under 35

U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent 5,571,724).

Regarding claim 1:

Johnson discloses a method for end-to-end environmental data acquisition and delivery comprising the steps of a) acquiring a first set of environmental subsurface data in a first location via direct reading sensors (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63); b) geo-referencing said data (Col. 5-6, Lines 45-13); c) transmitting said data to a data analysis application server (fig. 4, unit 123, 122); and d) analyzing said data to obtain information about said data (Col. 5-6, Lines 45-13); and using said information to select a next location (Col. 59, Lines 5-63).

Regarding claim 21:

Johnson discloses a method for end-to-end environmental data acquisition and delivery comprising the steps of: a) acquiring environmental subsurface data at a location via direct reading sensors (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63); b) geo-referencing said data, wherein said geo-referencing comprises associating said environmental subsurface data with said location (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63, Col. 5-6, Lines 45-13); and c) transmitting said data to a data analysis application server adapted to analyze said data to obtain information about said data (fig. 4, unit 123, 122).

Regarding claim 23:

Johnson discloses a method for environmental subsurface data acquisition and analysis comprising: receiving environmental subsurface data acquired at a location via direct reading Sensors (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63); receiving said location; geo referencing said data by said location (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63); and analyzing said data to obtain information (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63).

Regarding claim 2, Johnson discloses one or more data parameter (Col. 5-6, Lines 45-13); Regarding claim 3, Johnson discloses environmental subsurface data relates to chemical and geological attributes of the subsurface (abstract); Regarding claim 4, Johnson discloses direct sensing technologies (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39); Regarding claim 5, Johnson discloses geo-

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referencing said data to a specific point on the earth's surface (Col.1 , Lines 50-55); Regarding claims 6, 8, Johnson discloses two dimensional with time (Col. 1, Lines 50-55); Regarding claim 7, Johnson discloses a geo-reference in three dimensional (Col. 1-2, Lines 50-13); Regarding claim 11, Johnson discloses using algorithm to calculate information (Col. 23-24, Lines 1-67); Regarding claim 12, Johnson discloses refining raw data into processed data (Col. 5-6, Lines 45-38); Regarding claim 13, Johnson discloses display using 'dashboard' type display (fig. 4, unit 122) and field device (fig. 4, unit 122); Regarding claim 18, Johnson discloses performing determining (Col. 23, Lines 1-67); Regarding claim 20, Johnson discloses normalizing chemical concentration (Col. 1, Lines 10-45) and determining flow rate (Col. 56, Lines 22-48), pressure (Col. 52-53, Lines 58-3) of the analytical system; Regarding claim 10, Johnson discloses application service provider (fig. 4, unit 124); Regarding claim 22, Johnson discloses receiving information from data analysis server (fig. 4, unit 122).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 9, 14, 15, 16, 17 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent 5,571,724) in view of Salvo (U.S. Patent 6,356,205).

Johnson discloses a method including the subject matter discussed above except use of wireless communication link, posting information on a web for authorized users, transmit information to a mobile device, internet access.

Salvo discloses use of wireless communication link, posting information on a web for authorized users, transmit information to a mobile device , internet access.(Col. 4, Lines 46-62, Col. 3, Lines 49-62), in order to be able to collect and send data anywhere (Col. 1, Lines 5-9, fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to have the use of wireless communication link, posting information on a web for authorized users, transmit information to a mobile device , internet access taught by Salvo in order to be able to collect and send data anywhere (Col. 1, Lines 5-9, fig. 2).

#### ***Response to Arguments***

4. Applicant's arguments filed 1/13/2005 have been fully considered but they are not persuasive.

A. Applicant argues in the lengthy arguments that the prior art does not show the 'acquiring a first set of environmental subsurface data via direct sensor reading, geo referencing data, transmitting data to application server, analyzing data to obtain information about the data using information to select a next location'.

Johnson discloses 'acquiring a first set of environmental subsurface data via direct sensor reading (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63), geo referencing data (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63), transmitting data to application server (fig. 4, unit 122), analyzing data to obtain information about the data using information to select a next location (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39, Col. 59, Lines 5-63)'

B. In response to applicant's arguments against the references individually (Salvo does not teach geo-reference data, using the information to select next location), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

C. The examiner reminds to the applicants that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA

1969). While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,



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John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

  
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